

DENISE M. HULETT (No. 121553)
 CHRISTOPHER HO (No. 129845)
 WILLIE N. NGUYEN (No. 215259)
 The Legal Aid Society - Employment Law Center
 600 Harrison Street, Suite 120
 San Francisco, CA 94107
 Telephone: (415) 864-8848
 Facsimile: (415) 864-8199

SHAHEENA AHMAD SIMONS (No. 225520)
 Mexican American Legal Defense and Educational Fund
 634 S. Spring Street, 11th Floor
 Los Angeles, CA 90014
 Telephone: (213) 629-2512
 Facsimile: (213) 629-0266

Attorneys for Plaintiffs

PETER D. KEISLER
 Assistant Attorney General
 KEVIN V. RYAN
 United States Attorney
 STUART A. LICHT
 Assistant Branch Director
 SUSAN K. ULLMAN
 United States Department of Justice
 Civil Division, Federal Programs Branch
 20 Massachusetts Ave., NW
 Washington, D.C. 20530
 Telephone: (202) 616-0680
 Facsimile: (202) 616-8202

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

MICHAEL BRIONEZ, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 AGRICULTURE, *et al.*,

Defendants.

No. C 01 3969 CW

ORDER GRANTING
 STIPULATED PROCESS FOR
 CLAIMING PREVIOUSLY
 DEFERRED
 ATTORNEYS' FEES AND COSTS

Stipulated Process for Claiming
 Previously Deferred Attorneys' Fees
 No. C 01 3969 CW

STIPULATED PROCESS FOR CLAIMING PREVIOUSLY DEFERRED
ATTORNEYS' FEES AND COSTS

Plaintiffs and Defendants, through their undersigned counsel, are entering into this Stipulated Process for Claiming Previously Deferred Attorneys' Fees and Costs ("Stipulated Process") for the purpose of preserving the parties' rights pursuant to Section VIII of the Hispanic Settlement Agreement which provides that Plaintiffs' counsel "shall be entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 2000e-5(k) (as appropriate), that are generated in connection with the filing of this action and the implementation of this Settlement Agreement. Defendants reserve the right to challenge any and all aspects of plaintiffs' counsel's and class counsel's applications for fees and costs."

1. On December 15, 2003, the Court approved the parties' stipulation as to Process for Claiming Implementation Fees. Pursuant to this stipulation, Plaintiffs' counsel submit their fees and costs to Defendants' counsel bi-annually (twice a year), 30 days following the end of each six-month period. The parties then attempt to negotiate a resolution of the fee request pursuant to the process set forth in the stipulation. Thus far, the parties have been able to resolve all fee issues without making any application to the Court.

2. On February 10, 2006, the Court issued an Order Extending Term of Settlement Agreement. The Court stated that its reasoning "will be explained in a following order." On March 30, 2006, the Court issued its Order Denying Defendants' Motion for Entry of Order that Defendants Have Discharged Their Obligations Under the Settlement Agreement, and Granting in Part and Denying in Part Plaintiffs' Motion for Contempt and for Enforcement of Court-Approved Settlement Agreement.

3. The parties previously have agreed to defer consideration of the fees and costs incurred by Plaintiffs' counsel in connection with the parties' motions reflected in the above orders, including notice procedures, the meet and confer process, and the Monitor's proceedings that preceded the motions ("the previously deferred attorneys' fees and costs"), until the Court issued its findings and conclusions. Now that the March 30 Order has issued, the parties agree

1 that Plaintiffs will submit their request for payment of their previously deferred fees to
2 Defendants by May 1, 2006. The parties agree to then use the process set forth in the Process for
3 Claiming Implementation Fees to attempt to resolve the matter.

4 4. Undersigned counsel for Plaintiffs and the Plaintiff class is authorized to enter into
5 this Stipulated Process on behalf of all counsel for the Plaintiffs and the Plaintiff class.

6 5. The parties agree that notice to the Brionez class is not necessary for the execution or
7 implementation of this Stipulated Process.

8 IT IS SO STIPULATED:

PETER D. KEISLER
Assistant Attorney General
KEVIN V. RYAN
United States Attorney

11 Dated: April 7, 2006

By: /s/ Susan K. Ullman
STUART A. LICHT
Assistant Branch Director
SUSAN K. ULLMAN
Senior Counsel

14 Attorneys for Defendants

16 Dated: April 7, 2006

By: /s/ Richard M. Pearl
RICHARD M. PEARL
1816 Fifth Street
Berkeley, California 94710

DENISE M. HULETT (No. 121553)
CHRISTOPHER HO (No. 129845)
The Legal Aid Society - Employment Law
Center

21 Attorneys for Plaintiffs

22 THE FOREGOING STIPULATED PROCESS FOR CLAIMING PREVIOUSLY
23 DEFERRED ATTORNEYS' FEES FOR WORK PERFORMED PURSUANT TO SECTION
24 VII OF SETTLEMENT AGREEMENT, IS APPROVED ON THIS 18th DAY OF APRIL, 2006.

25 

26 THE HONORABLE CLAUDIA WILKEN
27 United States District Judge

28 Stipulated Process for Claiming
Previously Deferred Attorneys' Fees
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